

	Officer Key Decision
	Report to the Director Adult Social Services
AUTHORITY TO EXTEND CONTRACT FOR THE PROVISION OF EXTRA CARE HOUSING (ECH) SERVICES AT WILLOW, NEWCROFT AND ROSEMARY HOUSE(S)	

Wards Affected:	Tokynghon, Willesden Green, Stonebridge
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Karen Wren Interim Market Oversight Manager karen.wren@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report requests authority to extend a contract in respect of Extra Care Housing (ECH) services at Willow, Newcroft and Rosemary House(s) with London Care as required by Contract Standing Order 112. The report summarises the reasons for the request to extend and the duration of the extension.

2.0 Recommendation(s)

That the Director of Adult Social Care:

- 2.1 Approves the extension of the contract for the provision of Extra Care Housing support services with London Care for a period of Ten (10) months up to 3 June 2024.

3.0 Detail

- 3.1 The Council entered into a contract for the provision of Extra Care Housing support services with London Care on 4 June 2018 (the “Contract”).
- 3.2 The Contract contains provision permitting extension of the Contract by a period of two (2) years on a 1+1 basis at the discretion of the Council.
 - 3.2.1 The Council wishes to utilise the first one (1) year extension for the reasons set out in this report. It should be noted that the contract was extended for a period of Two (2) months from 4th June 2023 to 3rd August 2023. In order to complete a full contract review the Council wishes to utilise the remaining 10 months of this plus 1 extension. This extension would therefore end on 3rd June 2024.
 - 3.2.2 Officers considered re-procuring the service for a short term but concluded that extending the existing contract is the most appropriate means of continuing to deliver the service at the current time whilst a full contract review is undertaken. The future intention is to reprocure the service and the current contract term will not be sufficient for Officers to conduct a robust procurement exercise, hence the request for approval to extend the contract.
 - 3.2.3 The extension will enable officers to review the current Extra Care Housing support service and undertake engagement with stakeholders as to how the service can be best delivered. It is expected that Officers in the Commissioning Service will work with health partners and internal stakeholders when completing the review, as well as ensuring people using services are given a full opportunity to participate in this process.
 - 3.2.4 The stakeholder engagement will define the future service delivery that will be reflected in the new contract and service specification when the service is re-tendered.
 - 3.2.5 The two lots of the current Extra Care support service will be aligned as a result of the extension and providers will be able to bid for one or both lots when the contract is retendered. Officers seek to align contract start dates for six ECH schemes (currently managed by two providers) in order to commence a procurement exercise early next year. The contract with London Care includes three of the six ECH schemes of the and is one of two contracts that are intended to be part of the procurement to commence in January 2024.
- 3.3 As mentioned above, there is a provision in the contract permitting extension of the contract term. The contract will continue on the same terms and conditions and the extension period is also within the permitted extension period of the contract.

3.4 Under section 3(b) of the table at paragraph 9.5 of Part 3 of the Constitution, Corporate Directors and Directors are able to extend contracts and agreements without the need for Cabinet approval, provided that:

- (a) the extension would not be in breach of Procurement Legislation.
- (b) the extension does not substantially alter the terms and conditions of the contract.
- (c) there is sufficient existing budgetary provision.
- (d) if the extension goes beyond the period of extension provided for in the contract (if any) or is otherwise not in accordance with the extension provisions in the contract:
 - (i) in the case of any contract, agreement, deed or other transaction with a life of not more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of six months; or
 - (ii) in the case of any contract, agreement, deed or other transaction with a life of more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of one year.
- (e) the relevant cabinet member shall be consulted prior to a decision within (d) (i) or (ii) above and may request that the decision instead be referred to them.

3.5 It is considered that the Director has delegated authority to agree the extension as the conditions set out in paragraph 3.4 (as mentioned in paragraphs 3.4 above and 5.4 below) are met.

4.0 Financial Implications

4.1 The value of the Contract is £11,419,707.04. The value of the proposed extension is £1,472,913.

4.2 The cost of this extension of the Contract will be funded from Adult Social Care budget.

5.0 Legal Implications

5.1 Officers recommend the extension of the contract for the provision of Extra Care Housing support services with London Care by a period up to 3rd June 2024.

5.2 The value of the original contract is such that it is subject to full

application of the Public Contract Regulation 2015 (PCR 2015).

- 5.3 The contract however contains express provision allowing for the extension as recommended and as such extension is permitted in accordance with the PCR 2015.
- 5.4 Subject to consultation with the relevant cabinet member and the cabinet member not requesting the decision is referred to them, the Director is authorised pursuant to Paragraph 9.5 and Paragraph 9.7 of Part 3 of the Constitution to extend contracts subject to the conditions set out in paragraph 3.4 above. As set out in paragraph 3.4 above, none of these conditions preclude the Director agreeing the recommended extension.

6.0 Equality Implications

6.1 Pursuant to s149 Equality Act 2010 (the “Public Sector Equality Duty”), the Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

6.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

6.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

6.5 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

7.0 Consultation with Ward Members and Stakeholders

7.1 The Cabinet Member for Public Health and Adult Social Care has been consulted.

8.0 Human Resources/Property Implications (if appropriate)

8.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from extending the contract.

9.0 Public Services (Social Value) Act 2012

9.1 The Council is under a duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Whilst this report concerns an extension to the Contract, Officers have nonetheless had regard to considerations contained in the Social Value Act in relation to the extension.

Report sign off:

Claudia Brown
Director of Adult Social Services